

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PRESTON FRANKFORD SHOPPING CENTER
DALLAS, TX. LIMITED PARTNERSHIP,

Plaintiff,

ORDER

10-CV-6448L

v.

BUTLER DINING SERVICES, LLC, D/B/A
NEWK'S CAFE, TOMMY E. BUTLER AND
GALE M. BUTLER,

Defendants.

Plaintiff's motion for summary judgment is scheduled to be heard before this Court on July 17, 2012. Recently, defendants moved for a stay pending proceedings between the parties in Texas. That motion was inadvertently referred to United States Magistrate Judge Jonathan W. Feldman and argument of the motion was set for August 9, 2012 at 2 p.m., by order entered today, July 9, 2012 (Dkt. #82). That order is hereby VACATED. The Court will hear oral argument on the motion for summary judgment as scheduled on July 17, 2012, and will also hear defendants' motion for a stay. Plaintiff is directed to file responding papers to the motion to stay by Friday, July 13, 2012.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 9, 2012.